

Related Entries: Policy 4.14, Code of Conduct for Students

### Bullying and Harassment

The School Board is committed to a safe and orderly environment for all students and staff. It is the policy of The School District of Lee County that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited. The adoption of Policy 4.14, Bullying and Harassment, shall bring the School District of Lee County into compliance with the Jeffrey Johnston Stand Up for All Students Act, s. 1006.147, F.S.

- (1) **Bullying** means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:
  - (a) Teasing
  - (b) Social Exclusion
  - (c) Threat
  - (d) Intimidation
  - (e) Stalking
  - (f) Physical violence
  - (g) Theft
  - (h) Sexual, religious, or racial harassment
  - (i) Public humiliation
  - (j) Destruction of property
  - (k) Cyber bullying
- (2) **Harassment** means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

- 41 (a) Places a student or school employee in reasonable fear of harm to his or her  
42 person or damage to his or her property;  
43
- 44 (b) Has the effect of substantially interfering with a student's educational  
45 performance, opportunities, or benefits; or  
46
- 47 (c) Has the effect of substantially disrupting the orderly operation of a school.  
48
- 49 (3) **Bullying and harassment** also encompasses:  
50
- 51 (a) Retaliation against a student or school employee by another student or  
52 school employee for asserting or alleging an act of bullying or harassment.  
53 Reporting an act of bullying or harassment that is not made in good faith is  
54 considered retaliation.  
55
- 56 (b) Perpetuation of conduct listed in the definition of bullying or harassment by  
57 any individual or group with intent to demean, dehumanize, embarrass, or  
58 cause emotional or physical harm to a student or school employee by:  
59
- 60 1. Incitement or coercion;  
61
- 62 2. Accessing or knowingly and willingly causing or providing access to  
63 data or computer software through a computer, computer system, or  
64 computer network within the scope of the District school system; or  
65
- 66 3. Acting in a manner that has an effect substantially similar to the effect  
67 of bullying or harassment.  
68
- 69 (4) **Cyberstalking** as defined in s. 784.048(1)(d), F.S., means to engage in a course of  
70 conduct to communicate, or to cause to be communicated, words, images, or  
71 language by or through the use of electronic mail or electronic communication,  
72 directed at a specific person, causing substantial emotional distress to that person  
73 and serving no legitimate purpose.
- 74 (5) The School District of Lee County expects students to conduct themselves as  
75 appropriate for their levels of development, maturity, and demonstrated capabilities  
76 with a proper regard for the rights and welfare of other students and school staff, the  
77 educational purpose underlying all school activities, and the care of school facilities  
78 and equipment.
- 79 (6) The School District of Lee County expects employees to conduct themselves in  
80 accordance with employee handbooks, requirements, bargaining agreements and  
81 state statutes; with proper regard and respect for the students and other employees,  
82 the educational purpose underlying all school activities and the care of school  
83 facilities and equipment.  
84

- 85 (7) The School District prohibits the bullying or harassment of any student or school  
86 employee:  
87
- 88 (a) During any education program or activity conducted by the School District of  
89 Lee County;  
90
- 91 (b) During any school-related or school-sponsored program or activity, or on a  
92 School District of Lee County school bus;  
93
- 94 (c) Through the use of data or computer software that is accessed through a  
95 computer, computer system, or computer network while on school grounds or  
96 on a SDLC school bus, or on the computer network of the School District of  
97 Lee County.  
98
- 99 (8) All administrators, faculty and staff, in collaboration with parents, students, and  
100 community members, will incorporate systemic methods for student and staff  
101 recognition through positive reinforcement for good conduct, self discipline, good  
102 citizenship, and academic success as seen in the required school plan to address  
103 positive school culture and behavior.  
104
- 105 (9) Student rights shall be explained as outlined in this policy and in the Student Code  
106 of Conduct.  
107
- 108 (10) Proper prevention and intervention steps will be taken based on the level of severity  
109 of infraction as outlined in the Student Code of Conduct, the Discipline Matrix, and  
110 this Policy.  
111
- 112 (11) Consequences and Appropriate Remedial Action  
113
- 114 (a) Consequences and appropriate remedial action for students who commit  
115 acts of bullying or harassment may range from positive behavioral  
116 interventions up to and including suspension or expulsion as outlined in the  
117 Student Code of Conduct.  
118
- 119 (b) Consequences and appropriate remedial action for a school employee found  
120 to have committed an act of bullying or harassment will be in accordance  
121 with Collective Bargaining Agreements, School Board Policies and Florida  
122 Statutes. Disciplinary actions may range up to, and include, termination.  
123 Additionally, egregious acts of harassment by certified educators may result  
124 in a sanction against an educator's state issued certificate. (See State Board  
125 of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of*  
126 *the Education Profession in Florida.*)  
127
- 128 (c) Consequences and appropriate remedial action for a visitor or volunteer who  
129 has been found to have committed an act of bullying or harassment shall be  
130 determined by the school administrator, after consideration of the nature and  
131 circumstances of the act. In the event the school administrator is considering  
132 removal and no return for the perpetrator, the superintendent or his designee  
133 shall be consulted.  
134

- 135 (d) Concluding whether a particular action or incident constitutes a violation of  
136 this policy requires a determination based on all of the facts and surrounding  
137 circumstances. The physical location or time of access of a computer-related  
138 incident cannot be raised as a defense in any disciplinary action.  
139
- 140 (e) Consequences and appropriate remedial action for a student found to have  
141 wrongfully and intentionally accused another of an act of bullying or  
142 harassment range from positive behavioral interventions up to and including  
143 suspension or expulsion, as outlined in the Student Code of Conduct.  
144
- 145 (f) Consequences and appropriate remedial action for a school employee found  
146 to have wrongfully and intentionally accused another as a means of bullying  
147 or harassment will include consequences in accordance with Collective  
148 Bargaining Agreements, School Board Policies and Florida Statutes.  
149 Consequences may increase in severity, up to and including termination, in  
150 accordance with the findings of the investigation.  
151
- 152 (g) Consequences and appropriate remedial action for a visitor or volunteer,  
153 found to have wrongfully and intentionally accused another of an act of  
154 bullying or harassment shall be determined by the school administrator after  
155 consideration of the nature and circumstances of the act. Consequences  
156 may include reports to appropriate law enforcement officials. In the event the  
157 school administrator is considering removal and no return for the perpetrator,  
158 the superintendent or his designee shall be consulted.  
159
- 160 (h) The physical location or time access of a computer-related incident cannot  
161 be raised as a defense in any disciplinary action initiated.  
162
- 163 (12) The victim of bullying or harassment, anyone who witnessed the bullying or  
164 harassment, or anyone who has credible information that an act of bullying or  
165 harassment has taken place may file a report of bullying or harassment. The  
166 principal or principal's designee is responsible for receiving reports of bullying or  
167 harassment. The report may be made orally or in writing; in-person or  
168 anonymously. All forms of reports are considered official. Formal disciplinary  
169 action may not be based solely on the basis of an anonymous report.  
170
- 171 (13) All school employees are **required** to report alleged violations of this policy.  
172 Students, parents/legal guardians, volunteers, and visitors are encouraged to report  
173 any act that may be a violation of this policy anonymously or in person.  
174
- 175 (14) The principal of each school in the District shall establish and prominently publicize  
176 to students, staff, volunteers, and parents/legal guardians how a report of bullying or  
177 harassment may be filed and the procedures that will take place following the  
178 report. A school employee, school volunteer, student, parent/legal guardian or  
179 other persons who promptly report in good faith an act of bullying or harassment to  
180 the appropriate school official and who makes this report in compliance with the  
181 procedures set forth in the District policy is immune from a cause of action for

- 182 damages arising out of the reporting itself or any failure to remedy the reported  
183 incident. Submission of a good faith complaint or report of bullying or harassment  
184 will not affect the complainant or reporter's future employment, grades, learning or  
185 working environment or work assignments.  
186
- 187 (15) A principal will assign a designee(s) to initiate an investigation of whether an act of  
188 bullying or harassment is within the scope of the school District. The designee(s)  
189 will provide a report on results of investigation with recommendations for the  
190 principal to make a determination if an act of bullying or harassment falls within the  
191 scope of the District.  
192
- 193 (a) If it is within the scope of District, move to Procedures for Investigating  
194 Bullying and/or Harassment. If it is within the scope of the District, and  
195 determined a criminal act, move to Procedures for Investigating Bullying  
196 and/or Harassment and refer to appropriate law enforcement.  
197
- 198 (b) If it is outside the scope of District, and determined a criminal act, refer to  
199 appropriate law enforcement.  
200
- 201 (c) If it is outside the scope of District, and determined not a criminal act, inform  
202 parents/legal guardians of all students involved.  
203
- 204 (16) The investigation of a reported act of bullying or harassment is deemed to be a  
205 school-related activity and begins with a report of such an act. At each school in the  
206 District, the Procedure for Investigating Bullying and/or Harassment includes:  
207
- 208 (a) The principal selects a designee(s), employed by the school, to initiate the  
209 investigation. The designee(s) may not be the accused perpetrator (harasser  
210 or bully) or victim.  
211
- 212 (b) Documented interviews of the victim, alleged perpetrator, and witnesses are  
213 conducted privately, separately, and are confidential. Each individual (victim,  
214 alleged perpetrator, and witnesses) will be interviewed separately and at no  
215 time will the alleged perpetrator and victim be interviewed together.  
216
- 217 (c) The investigator shall collect and evaluate the facts including, but not limited  
218 to:  
219
- 220 1. A description of incident(s) including nature of the behavior, context in  
221 which the alleged incident(s) occurred, etc.;
  - 222 2. How often the conduct occurred;
  - 223 3. Whether there were past incidents or continuing patterns of behavior;
  - 224 4. The relationship between the parties involved;
  - 225
  - 226
  - 227
  - 228

- 229 5. The characteristics of parties involved (i.e., grade, age, etc.);  
230  
231 6. The identity and number of individuals who participated in bullying or  
232 harassing behavior;  
233  
234 7. Where the alleged incident(s) occurred;  
235  
236 8. Whether the conduct adversely affected the student's education or  
237 educational environment;  
238  
239 9. Whether the alleged victim felt or perceived an imbalance of power as  
240 a result of the reported incident; and  
241  
242 10. The date, time, and method in which the parents/legal guardians of all  
243 parties involved were contacted.  
244  
245 (d) The investigation will be documented on the School District's Report Form for  
246 Bullying and Harassment.  
247
- 248 (17) The principal, or designee, shall promptly report **via telephone, personal**  
249 **conference, and/or in writing, the occurrence of any incident of bullying or**  
250 **harassment as defined by this policy to the parent or legal guardian of the**  
251 **alleged victim on the day the investigation is initiated. Prompt notification to**  
252 **the parents/guardians of the alleged perpetrator(s) will be made following the**  
253 **first contact, and no later than the conclusion of the investigation.** Notification  
254 will be consistent with the student privacy rights under the applicable provisions of  
255 the Family Educational Rights and Privacy Act of 1974 (FERPA).  
256
- 257 (18) If the bullying incident results in the perpetrator being charged with and convicted of  
258 a crime, the principal, or designee, shall by telephone or in writing by first class mail,  
259 inform parents/legal guardian of the victim(s) involved in the bullying incident about  
260 the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2,  
261 Section 9532) that states "...a student who becomes a victim of a violent criminal  
262 offense, as determined by State law, while in or on the grounds of a public  
263 elementary school or secondary school that the student attends, be allowed to  
264 attend a safe public elementary school or secondary school within the local  
265 educational agency, including a public charter school."  
266
- 267 (19) Once the investigation has been completed and it has been determined that  
268 criminal charges may be pursued against the perpetrator, all appropriate local law  
269 enforcement agencies will be notified by telephone and/or in writing.  
270
- 271 (20) Following the report of suspected bullying or harassment, a referral for intervention  
272 will be made based on the investigation of the incident. The referral may be for one  
273 or more of the following:  
274

- 275 (a) Teacher or parent/legal guardian may request informal consultation with  
276 school staff to determine the severity of the concern and steps to address the  
277 concern;  
278
- 279 (b) Investigator may refer victim and/or perpetrator to his/her guidance  
280 counselor; and/or  
281
- 282 (c) Professional assistance or services which may include:  
283
- 284 1. A referral to the Child Study Team for consideration of appropriate  
285 services. (Parent or legal guardian involvement is required at this  
286 point.)  
287
  - 288 2. If a formal discipline report or formal complaint is made, the principal  
289 or designee must refer the student(s) to the Child Study Team for  
290 determination of counseling support and interventions. (Parent or legal  
291 guardian involvement is required at this point.)  
292
- 293 (21) If a bullying and/or harassment incident occurs, it will be reported in Florida's School  
294 Environmental Safety Incident Reporting (SESIR) Statewide report with the  
295 bullying/harassment incident code and/or related element code. If the  
296 bullying/harassment results in any of the following SESIR incidents the incident will  
297 be coded appropriately using the relevant incident code AND the related element  
298 code.  
299
- 300 (a) Arson
  - 301 (b) Battery
  - 302 (c) Breaking and Entering
  - 303 (d) Disruption on Campus
  - 304 (e) Major Fighting
  - 305 (f) Homicide
  - 306 (g) Kidnapping
  - 307 (h) Larceny/Theft
  - 308 (i) Robbery
  - 309 (j) Sexual Battery
  - 310 (k) Sexual Harassment
  - 311 (l) Sexual Offenses
  - 312 (m) Threat/Intimidation
  - 313 (n) Vandalism
  - 314 (o) Weapons Possession
  - 315 (p) Other Major (Other major incidents that do not fit within the other definitions)
  - 316

- 317 (22) Discipline and referral data will be recorded in Student Discipline/Referral Action  
318 Report and Automated Student Information System. The District will provide bullying  
319 incident, discipline, and referral data to the Florida Department of Education in the  
320 format requested, through Survey 5 from Education Information and Accountability  
321 Services, and on designated dates provided by the Department.  
322
- 323 (23) The District ensures that schools sustain healthy, positive, and safe learning  
324 environments for all students. It is important to change the social climate of the  
325 school and the social norms with regards to bullying. This requires the efforts of  
326 everyone in the school environment – teachers, administrators, counselors, school  
327 nurses, other non-teaching staff (such as bus drivers, custodians, cafeteria workers,  
328 and/or media specialists), parents/legal guardians, and students.  
329
- 330 (24) Students, parents/legal guardians, teachers, school administrators, counseling staff,  
331 and school volunteers shall be given instruction on an annual basis on the District's  
332 Policy and Regulations against bullying and harassment. The instruction shall  
333 include evidence-based methods of preventing bullying and harassment, as well as  
334 how to effectively identify and respond to bullying in schools.  
335
- 336 (25) The principal or designee shall by telephone and/or in writing promptly report the  
337 occurrence of any incident of bullying as defined by this policy to the parent or legal  
338 guardian of all students involved.  
339
- 340 (26) According to the level of infraction, parents/legal guardians will be notified by  
341 telephone and/or writing of actions being taken to protect the child; the frequency of  
342 notification will depend on the seriousness of the bullying or harassment incident.  
343 Notification will be consistent with the student privacy rights under the applicable  
344 provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).  
345
- 346 (27) The District shall provide notice to students, staff and parents/legal guardians of this  
347 policy through appropriate references in the Student Code of Conduct and  
348 employee handbooks, and/or through other reasonable means. The Superintendent  
349 shall also make all private contractors doing business with the District aware of this  
350 policy.  
351

352  
353 **STATUTORY AUTHORITY:** 1001.42, 1001.43, and 1006.147, F.S.

354  
355 Adopted: 10/19/10 (formerly 4.141)